

By: Hinojosa

H.B. No. 3658

A BILL TO BE ENTITLED

AN ACT

relating to procedures in mental health cases.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 571.013, Health and Safety Code, is amended to read as follows:

Section 571.013. METHOD OF GIVING NOTICE. Except as otherwise provided by this subtitle, notice required under this subtitle may be given by [a constable or sheriff] delivering a copy of the notice or document in person or in another manner directed by the court that is reasonably calculated to give actual notice.

SECTION 1. Section 571.014, Health and Safety Code, is amended to read as follows:

Sec. 571.014. FILING REQUIREMENTS. (a) Each application, petition, certificate, or other paper permitted or required to be filed in a probate court or court having probate jurisdiction under this subtitle must be filed with the county clerk of the proper county.

(b) The county clerk shall file each paper after endorsing on it:

- (1) the date on which the paper is filed;
- (2) the docket number; and
- (3) the clerk's official signature.

(c) A person may ~~[initially]~~ file a paper with the county clerk by the use of reproduced, photocopied, or electronically

transmitted paper ~~[if the person files the original signed copies of the paper with the clerk not later than the 72nd hour after the hour on which the initial filing is made. If the 72-hour period ends on a Saturday, Sunday, or legal holiday, the filing period is extended until 4 p.m. on the first succeeding business day. If extremely hazardous weather conditions exist or a disaster occurs, the presiding judge or magistrate may by written order made each day extend the filing period until 4 p.m. on the first succeeding business day. The written order must declare that an emergency exists because of the weather or the occurrence of a disaster. If a person detained under this subtitle would otherwise be released because the original signed copy of a paper is not filed within the 72-hour period but for the extension of the filing period under this section, the person may be detained until the expiration of the extended filing period. This subsection does not affect another provision of this subtitle requiring the release or discharge of a person.]~~ If the paper is filed by the use of reproduced, photocopied, or electronically transmitted paper, the person shall maintain the original paper and shall provide it to the parties or the court upon request.

~~[(d) If the clerk does not receive the original signed copy of a paper within the period prescribed by this section, the judge may dismiss the proceeding on the court's own motion or on the motion of a party and, if the proceeding is dismissed, shall order the immediate release of a proposed patient who is not at liberty.]~~

SECTION 3. Section [571.017](#), Health and Safety Code, is amended to read as follows:

1 Section 571.017. [~~COMPENSATION OF COURT-APPOINTED PERSONNEL.~~
2 REPRESENTATION OF PROPOSED PATIENT. (a) ~~[The court shall order the~~
3 ~~payment of reasonable compensation to attorneys, physicians,~~
4 ~~language interpreters, sign interpreters, and associate judges~~
5 ~~appointed under this subtitle.~~ The court shall appoint a private
6 attorney or public defender to represent a proposed patient under
7 any proceeding under this subtitle.

8 (b) ~~[The compensation shall be taxed as costs in the case.]~~
9 A court may with permission of the commissioners court create a
10 mental health public defenders office. A mental health public
11 defender of such office may be appointed by the court in lieu of a
12 private attorney.

13 SECTION 4. A new Section 571.0175, Health and Safety Code,
14 is added to read as follows:

15 Section 571.0175. COMPENSATION OF COURT-APPOINTED
16 PERSONNEL. (a) The court shall order the payment of reasonable
17 compensation to attorneys, physicians, language interpreters, sign
18 interpreters, and associate judges appointed under this subtitle.

19 (b) The compensation shall be taxed as costs in the case.

20 SECTION 5. Section 574.010, Health and Safety Code, is
21 amended to read as follows:

22 Section 574.010. INDEPENDENT PSYCHIATRIC EVALUATION AND
23 EXPERT TESTIMONY. (a) The court may order an independent
24 evaluation of the proposed patient by a psychiatrist chose by the
25 proposed patient if the court determines that the evaluation will
26 assist the finder of fact. The psychiatrist may testify on behalf of
27 the proposed patient. (b) If the court determines that that the

1 proposed patient is indigent, the court may authorize reimbursement
2 to the attorney [~~ad litem~~] for court-approved expenses incurred in
3 obtaining expert testimony and may order the proposed patient's
4 county of residence to pay the expenses.

5 SECTION 16. This Act takes effect September 1, 2017.